

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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HUGO VELASQUEZ,

Plaintiff,

-against-

MONARCH RECOVERY MANAGEMENT, INC.,

Defendant(s).
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FILED
U.S. DISTRICT COURT E.D. N.Y.
★ APR 03 2012 ★
Civil Action No.:

LONG ISLAND OFFICE

COMPLAINT

CV-12-1619
DEMAND FOR JURY TRIAL

SEYBERT, J

Plaintiff HUGO VELASQUEZ ("Plaintiff"), by and through his attorney, A. Harvey Rephen & Associates, P.C., as and for its Complaint against the Defendant MONARCH RECOVERY MANAGEMENT, INC., hereinafter referred to as "Defendant(s)", respectfully sets forth, complains and alleges, upon information and belief, the following:

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INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action on his own behalf for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of §1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

PARTIES

2. Plaintiff is a resident of the State of New York, residing at 326 New High Way, Amityville, NY 11701.

3. Monarch Recovery Management, Inc. is a Pennsylvania company with their main office at 10965 Decatur Rd, Philadelphia, PA 19154.

4. Monarch Recovery Management, Inc., is a "debt collector" as the phrase is

defined and used in the FDCPA under 15 USC §1692a (6).

JURISDICTION AND VENUE

5. The Court has jurisdiction over this matter pursuant to 28 USC §1331, as well as 15 USC §1692 et seq. and 28 U.S.C. §2201. If applicable, the Court also has pendent jurisdiction over the state law claims in this action pursuant to 28 U.S.C. §1367(a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

FACTUAL ALLEGATIONS

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "6" herein with the same force and effect as if the same were set forth at length herein.

8. On information and belief, Defendant, on behalf of a third-party or itself as purchaser of the debt, began collecting an alleged consumer debt.

9. On information and belief, and better known to the Defendant, the Defendant began its collection efforts and campaign of communicating with the Plaintiff from approximately the week of August 15th 2011 by calling the Plaintiff to his home phone number, 631.532.5749, in an attempt to contact the Plaintiff's brother, Jorge Velasquez. Jorge Velasquez does not live with the Plaintiff.

10. The Plaintiff informed the Defendant that his phone number was not a contact number for Jorge Velasquez. The home phone is owned by the Plaintiff.

11. The Plaintiff asked that his number be taken off the Defendant's phone list, and was told that it would be taken off. The Defendant continued to call the Plaintiff on approximately August 19th, 2011 looking for Jorge Velasquez.

12. The Defendant violated 15 USC §1692 d- preface and d (5) engaging in conduct, the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt, by continuing to call the Plaintiff's home phone and leaving messages for Jorge Velasquez after being told that it was not Jorge Velasquez's phone number and after being asked to take the Plaintiff's home phone number off the phone list.

FIRST CAUSE OF ACTION
(Violations of the FDCPA)

13. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "12" herein with the same force and effect as if the same were set forth at length herein.

14. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 USC §1692 d –preface and d (5).

15. As a result of Defendant's violations of the FDCPA, the Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

DEMAND FOR TRIAL BY JURY

16. Plaintiff HUGO VELASQUEZ hereby respectfully requests a trial by jury for all claims and issues in its Complaint to which it is or may be entitled to a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff HUGO VELASQUEZ demands judgment from the Defendants MONARCH RECOVERY MANAGEMENT, INC., as follows:

- A. For actual damages provided and pursuant to 15 USC §1692k(a)(1);
- B. For statutory damages provided and pursuant to 15 USC

§1692k(2)(A);

C. For statutory damages provided and pursuant to 15 USC

§1692k(2)(B);

D. For attorneys' fees and costs provided and pursuant to 15 USC

§1692k(a)(3);

E. A declaration that the Defendant's practices violated the FDCPA;

F. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York
March 30, 2012

Respectfully submitted,

By: 
M. Harvey Rephen, (MR3384), Esq.
M. HARVEY REPHEN & ASSOCIATES, P.C.
708 Third Avenue, 6th Floor
New York, New York 10017
Phone: (212) 796-0930
Facsimile: (212) 330-7582

Attorney for the Plaintiff Hugo Velasquez

To: Monarch Recovery Management, Inc.
10965 Decatur Rd
Philadelphia, PA 19154
(Via Prescribed Service)

Clerk,
United States District Court, Eastern District of New York
(For Filing Purposes)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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COMPLAINT

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